



Department of Defense **DIRECTIVE**

November 23, 1994
NUMBER 1030.1

USD(P&R)

SUBJECT : Victim and Witness Assistance

- References:
- (a) DoD Directive 1030.1, subject as above, August 20, 1984 (hereby canceled)
 - (b) Chapter 47 of title 10, United States Code, "Uniform Code of Military Justice"
 - (c) Section 10601 et seq. of title 42, United States Code
 - (d) Section 10681 of title 42, United States Code
 - (e) Sections 1512-1514 of title 18, United States Code, October 12, 1982
 - (f) DoD Instruction 1030.2, "Victim and Witness Assistance Procedures, "

A. REISSUANCE AND PURPOSE

This Directive:

1. Reissues reference (a) to update DoD policies and assign responsibilities for providing assistance to victims and witnesses of crimes committed in violation of reference (b) .
2. Implements references (c) through (e) by providing guidance for assisting victims and witnesses of crime from initial contact through investigation, prosecution, and confinement.

B. APPLICABILITY

This Directive applies to the Office of the Secretary of Defense, the Military Departments (including the Coast Guard when it is operating as a Service in the Navy) , the Chairman Of the Joint Chiefs of Staff, the Unified Combatant Commands, the Inspector General of the Department of Defense, the Defense Agencies, and the DoD Field Activities (hereafter referred to collectively as "the DoD Components") . The term "Military Services, " as used herein, refers to the Army, the Navy, the Air Force, and the Marine Corps.

C. DEFINITIONS

Terms used in this Directive are defined in enclosure 1.

D. POLICY

It is DoD policy that:

1. The necessary role of crime victims and witnesses in the criminal justice process should be enhanced and protected.

2. The DoD Components shall do all that is possible within limits of available resources to assist victims and witnesses of crime, in accordance with the requirements listed in DoD Instruction 1030.2 (reference (f)) without infringing on the constitutional rights of an accused. Particular attention should be paid to victims of serious, violent crime, including child abuse, domestic violence, and sexual misconduct.

3. This Directive is not intended to, and does not, create any entitlement, cause of action, or defense in favor of any person arising out of the failure to accord to a victim or a witness the assistance outlined in this Directive. No limitations are hereby placed on the lawful prerogatives of the Department of Defense or its officials.

4. Officers and employees engaged in the detection, investigation, or prosecution of crimes, shall ensure that victims are accorded their rights. As provided for in 42 U.S.C. 10601 et seq. (reference (c)) and 18 U.S.C. 1512-1514 (reference (e)), a crime victim has the right to:

a. Be treated with fairness and respect for the victim's dignity and privacy.

b. Be reasonably protected from the accused offender.

c. Be notified of court proceedings.

d. Be present at all public court proceedings related to the offense, unless the court determines that testimony by the victim would be materially affected if the victim heard other testimony at trial.

e. Confer with the attorney for the Government in the case.

f. Receive available restitution.

g. Be provided information about the conviction, sentencing, imprisonment, and release of the offender.

5. Court-martial convening authorities and clemency and parole boards shall consider making restitution to the victim a condition of granting pretrial agreements, reduced sentences, clemency, and parole. They may consider victim statements on the impact of crime.

E. RESPONSIBILITIES

1. The Under Secretary of Defense for Personnel and Readiness shall:

a. Develop overall policy for victim and witness assistance and monitor compliance with this Directive under DoD Instruction 1030.2 (reference (f)) .

b. Approve procedures developed by the Secretaries of the Military Departments that implement this Directive and are consistent with reference (f) .

c. Establish a Victim and Witness Assistance Council to provide a forum for the exchange of information and the consideration of victim and witness policies, and provide a liaison with the Department of Justice (DoJ) Office for Victims of Crime.

d. Direct the Office of Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) to include in its publications for CHAMPUS-eligible members information about victims' entitlements to apply for compensation from State crime victims funds .

e. Direct the Defense Manpower Data Center to assist in formulating a data collection mechanism to track and report victim notifications from initial contact through investigation, prosecution, confinement, and release.

f. Change, reissue, or amend reference (f) as required.

2. The Inspector General of the Department of Defense shall develop investigative policy and perform appropriate oversight reviews of the management of the victim and witness assistance program by the DoD criminal investigative organizations. This is not intended to substitute for the routine managerial oversight of the program provided by the DoD criminal investigative organizations, the Office of the Under Secretary of Defense for Personnel and Readiness (OUSD (P&R)), the Heads of the DoD Components, the Component responsible officials, or the local responsible officials.

3. The Secretaries of the Military Departments and the Heads of the Other DoD Components shall:

a. Ensure compliance with this Directive and establish policies and procedures to implement this program within their Component.

b. Designate the "Component Responsible Official, " as defined in item 2. of enclosure 1.

c. Designate a central repository, as defined in item 1. of enclosure 1, for each Military Service, to ensure that victims shall be notified of changes in confinee status.

d. Ensure that a multi-disciplinary approach is followed by victim and witness service providers, including law enforcement personnel, criminal investigators, chaplains, family advocacy personnel, emergency room personnel, family service center personnel, judge advocates, unit commanding officers, corrections personnel, and other persons designated by the Secretaries of the Military Departments; and ensure that those providers receive training to assist them in complying with this Directive.

e. Ensure distribution to local responsible officials of the DoJ Federal Resource Guide on Victim and Witness Assistance.

f. Establish procedures to ensure that local installation responsible officials:

(1) Provide victim and witness services as required in DoD Instruction 1030.2 (reference (f)) at the installation level through coordination with the representatives identified in paragraph E.3.d., above.

(2) Maintain the DoJ Federal Resource Guide on Victim and Witness Assistance as a reference.

g. Establish oversight procedures to ensure establishment of an integrated support system capable of providing the services outlined in reference (f) . Such oversight could include coverage by Military Service or organizational Inspectors General, staff assistance visits, surveys, and status reports.

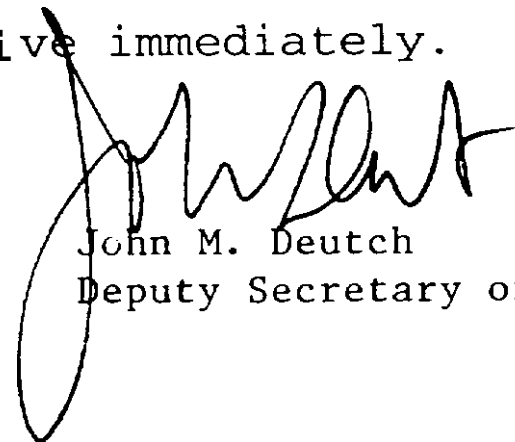
h. Report annually to OUSD(P&R) in the format prescribed in reference (f) for the preceding calendar year.

F. INFORMATION REQUIREMENTS

The annual reporting requirements in paragraph E.3.h., above, have been assigned Report Control Symbol DD-P&R(A)1952.

G. EFFECTIVE DATE AND IMPLEMENTATION

This Directive is effective immediately.



John M. Deutch
Deputy Secretary of Defense

Enclosure 1
1. Definitions

DEFINITIONS

1. Central Repository. A headquarters office, designated by the Service Secretary for each Military Service, to serve as a clearinghouse of information on confinee status and to collect and report data on the delivery of victim and witness assistance including notification of confinee status changes.

2. Component Responsible Official. Person designated by the Head of each DoD Component primarily responsible in the Component for coordinating, implementing, and managing the victim and witness assistance program established by this Directive.

3. Confinement Facility Victim Witness Assistance Coordinator. A staff member at a military confinement facility who is responsible for notifying victims and witnesses of changes in confinee status and reporting those notifications to the central repository .

4. Local Responsible Official. Person designated by the Component responsible official who has primary responsibility for identifying victims and witnesses of crime and for coordinating the delivery of services described in this Directive through a multi-disciplinary approach. The position or billet of the local responsible official will be designated in writing by Service regulation. The local responsible official may delegate responsibilities under this Directive as provided in DoD Instruction 1030.2 (reference (f)).

5. Victim. A person who has suffered direct physical, emotional, or pecuniary harm as a result of the commission of a crime committed in violation of the UCMJ (Chapter 47 of 10 U.S.C., reference (b)) (or in violation of the law of another jurisdiction if any portion of the investigation is conducted primarily by the DoD Components) . Such individuals will include, but are not limited to, the following:

a. Military members and their family members.

b. When stationed outside the continental United States, DoD civilian employees and contractors, and their family members. This applies to services not available to DoD civilian employees and contractors, and their family members, in stateside locations, such as medical care in military medical facilities.

c. When a victim is under 18 years of age, incompetent, incapacitated, or deceased, the term includes one of the following (in order of precedence): a spouse, legal guardian, parent, child, sibling, another family member, or another person designated by the court or the Component responsible official, or designee.

d. For a victim that is an institutional entity, an authorized representative of the entity. Federal Departments and State and local agencies, as entities, are not eligible for services available to individual victims.

6. Witness. A person who has information or evidence about a crime, and provides that knowledge to a DoD Component about an offense in the investigative jurisdiction of a DoD Component. When the witness is a minor, that term includes a family member or legal guardian. The term does not include a defense witness or an individual involved in the crime as a perpetrator or accomplice.